

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**[1] CHESTER GALLAGHER**

**[2] HEATHER IDONI**

**[3] CALVIN ZASTROW**

**[4] COLEMAN BOYD**

**[5] CAROLINE DAVIS**

**[6] PAUL VAUGHN**

**[7] DENNIS GREEN**

**[8] EVA EDL**

**[9] EVA ZASTROW**

**[10] JAME ZASTROW**

**[11] PAUL PLACE**

**Criminal No. 3:22-CR-00327**

**Judge Trauger**

**UNOPPOSED MOTION TO ENLARGE  
PRETRIAL MOTION DEADLINE**

Come now Defendants, Chester Gallagher [1], Heather Idoni [2], Calvin Zastrow [3], Coleman Boyd [4], Caroline Davis [5], Paul Vaughn [6], Dennis Green [7], Eva Edl [8], Eva Zastrow [9], James Zastrow [10] and Paul Place [11], by and through counsel, and hereby move this Court to enlarge the March 1, 2023<sup>1</sup> pretrial motion filing deadline one week, until March 8, 2023.

In support of this motion, Mr. Vaughn and his codefendants submit as follows:

The above referenced indictment charges Mr. Gallagher [1], along with codefendants Heather Idoni [2], Calvin Zastrow [3], Coleman Boyd [4], Caroline Davis [5], Paul Vaughn [6], Dennis Green [7], Eva Edl [8], Eva Zastrow [9], James Zastrow [10] and Paul Place [11] with

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<sup>1</sup> The current Scheduling Order sets the deadline as March 1, 2023. (DE 208).

various offenses related to their presence on March 5, 2021 at the carafem Health Center in Mt. Juliet, Tennessee (DE 3). Defendants Gallagher [1], Idoni [2], Calvin Zastrow [3], Boyd [4], Davis [4], Vaughn [6] and Green [7] are charged with conspiring to injure, oppress, threaten or intimidate any rights secured by the laws or constitution of the United States in violation of 18 U.S.C. § 241 (DE 3); this is a felony offense that carries up to ten years imprisonment. *See* 18 U.S.C. § 241. All eleven defendants are charged with a violation of the Freedom of Access to Clinic Entrances Act (“FACE”), Title 18 U.S.C. §§ 248 (a)(1) and 2 (DE 3); a first-time offender of this statute faces up to a year in jail, whereas a second time or subsequent offender faces up to three years imprisonment. *See* 18 U.S.C. §§ 248 (b).

This case raises complex issues of law concerning the constitutionality of the FACE Act in the wake of the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*, 142 S.Ct. 2228 (2022), which overruled *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992). *Dobbs* was decided in June, 2022, after the events giving rise to this case, which occurred in March, 2021, but before the Indictment was filed here. In addition, the Government has charged Defendants with violation of 18 U.S.C. § 241, the civil rights conspiracy statute, rather than 18 U.S.C. § 371, the generic conspiracy statute, resulting in a maximum of ten (10) years’ incarceration for an alleged conspiracy to commit a misdemeanor FACE violation, whereas § 371 prohibits a penalty for the alleged conspiracy greater than the penalty for the underlying offense. This, too, implicates profound issues of constitutional import. Counsel for Defendants have been diligently working on their motions, but need additional time in order to adequately address the many issues presented.

Counsel for Defendants have conferred with Assistant United States Attorney Kathryn Risinger about the instant motion. Ms. Risinger has no objection to this motion. This modest enlargement will not affect the trial setting, which is January 16, 2024. (DE 208).

WHEREFORE, Defendants move the Court to enlarge the pretrial motion deadline until March 8, 2023, and for such other and further relief to which they may be entitled.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Motion to Continue was filed electronically and served on all counsel of record by the EF/CME electronic filing system:

This the 28th day of February 2023.

/s/ Stephen M. Crampton  
STEPHEN M. CRAMPTON